

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 771 - SB 841**

March 22, 2015

**SUMMARY OF BILL:** Prohibits prosecution against someone for drug-related offenses if the person sought emergency medical assistance for another person who was having a drug-related overdose as defined in Tenn. Code Ann. § 63-1-152.

Prohibits prosecution against someone for drug-related offenses if the person seeks or obtains emergency medical assistance for his or her drug-related overdose as defined in Tenn. Code Ann. § 63-1-152.

The limited criminal liability does not apply if law enforcement has probable cause to arrest or search or has reasonable suspicion to detain for criminal activity and such probable cause or reasonable suspicion is based upon information obtained prior to or independent of the person taking action to seek or obtain emergency medical assistance and not obtained as a direct result of the action of seeking or obtaining emergency medical assistance.

The limited criminal liability does not apply to drug-related driving offenses, drug-induced homicide, or any other crime punished outside of Title 39, Chapter 17, Part 4.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

**Assumptions:**

- The bill does not create any new crimes or broaden existing crimes. It provides limited criminal liability under a specific set of circumstances. It is assumed that the bill will not result in a significant decrease in state or local incarceration costs.
- The Department of Correction confirms that the bill will not significantly impact their admissions.
- The Administrative Office of the Courts, the District Attorneys General Conference, and the District Public Defenders Conference confirm that the bill will not significantly impact their caseloads.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

**HB 771 - SB 841**

A handwritten signature in dark ink, reading "Jeffrey L. Spalding". The signature is written in a cursive, flowing style.

Jeffrey L. Spalding, Executive Director

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